IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

MACA.No. 1248 of 2005()

OPMV.2772/2000 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR
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APPELLANT/PETITIONER.

RAMESH, S/O.PAKAN, RESIDING AT
ARAMTHODI, P.O.MANJAPRA, KANNAMBRA,
WADAKKANCHERRY, PALAKKAD DISTRICT.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.SREEKANTH.K.R
SRI.JIBU P THOMAS

RESPONDENTS: RESPONDENTS.
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1. THE MANAGING DIRECTOR, KERALA STATE ROAD TRANSPORT CORPORATION, THIRUVANANTHAPURAM.

2. T.J.JOY, S/O.T.T.JOHN, RESIDING AT THATTIL HOUSE, SANKARA IYER ROAD, THRISSUR.

3. THE NATIONAL INSURANCE COMPANY LIMITED, THIRUVANANTHAPURAM.

BY ADV. SRI.SAJEEVKUMAR K.GOPAL, SC, KSRTC
SRI.E.M.JOSEPH

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & M.N.KRISHNAN J.J

M.A.C.A. No.1248 OF 2005

Dated this the 22nd day of January 2007

JUDGMENT

Krishnan.J

This appeal is preferred against the award of the Motor Accidents Claims Tribunal, Thrissur passed in O.P.(MV) 2772/2000. The claimant aged 24 years sustained injuries in a road accident and the Tribunal awarded compensation of Rs.99,800/-. It is aggrieved by that decision the claimant has come up in appeal.

2. The insurance company has also entered appearance. Heard both sides. A perusal of the award reveal that the claimant has sustained injury on the forehead, fracture to temporal bone, and acute extra dural haemotoma over right parietal area, cerebral oedma and abrasion over right shoulder. He was admitted in Aswini hospital and had undergone treatment therein. Certificate produced by him is to the effect that he has 15% permanent disability. The Tribunal has reduced it to 10% and calculated the compensation. The Tribunal found that the claimant is still working in a hotel. Therefore the Tribunal fixed the disability at 10% and calculated the compensation. The Tribunal has awarded Rs. 29,000/- as medical expenses and Rs.12,000/- was granted

for pain and suffering. The Tribunal has awarded Rs. 40,800/- for permanent disability and besides the same awarded a sum of Rs. 10,000/- towards the loss of amenities of life. The Tribunal has considered the actual loss of earning and awarded Rs.8,000/- under that head The entire medical expenses of Rs.26,911/- was also awarded. Therefore it is seen that the Tribunal has considered the aspect correctly and awarded a just and reasonable compensation. Therefore the appeal lacks merit and dismissed.

K.S.RADHAKRISHNAN, JUDGE

M.N.KRISHNAN, JUDGE

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